



Oksanen, A-A. (2017). *From the international to the intersocietal: Inclusion of the indigenous and tribal Paper*. Paper presented at ECPR General Conference, Oslo, Norway.
<https://ecpr.eu/Events/PaperDetails.aspx?PaperID=37597&EventID=96>

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From the international to the intersocietal:

Inclusion of the indigenous and tribal

Paper presented at the ECPR General Conference 2017, Oslo

7 September 2017

S 7: Indigenous Politics in Comparative Perspective

P 167: Indigenous Peoples' Right to Land

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Abstract

In contemporary debates in the academic discipline of International Relations (IR), there has been a shift from use of the term 'international' to that of the 'intersocietal'. This has been motivated by a desire to move away from the discipline's traditional preoccupation with security and state agency, towards a focus on interaction between societies more broadly conceived with a focus on the causal dimension that the existence of many societies and their interaction generates. What this debate has not yet questioned is the discipline's habit to equate 'society' with 'state'. If focus is shifted from IR's traditional preoccupation with security and state agency to intersocietal interaction more generally, then there is little justification for a continued exclusive focus on the state and the states-system as units of analysis. For the move from 'international' to 'intersocietal' to be truly meaningful, it entails a move beyond state centrism. The reality of global politics is already expressing such a shift with increasing recognition of non-state entities like tribal and indigenous peoples through declarations, institutions and covenants like the UN Declaration on the Rights of Indigenous Peoples, ILO 169, the UN Permanent Forum on Indigenous Issues and Article 27 of the International Covenant on Civil and Political Rights. IR theory should lead the way in providing conceptual tools on how to facilitate the move towards a more intersocietal- rather than inter-state-world instead of lagging behind the reality with its continued state centrism. To this end, IR theory should be made capable of perceiving non-state forms of territoriality, like the fluid and non-exclusive territorial practices of open range pastoralists. Enrique Dussel's Philosophy of Liberation provides a useful conceptual toolset from where to begin to envision a genuinely intersocietal world. His point of departure is the concept of 'exteriority', which draws attention to whatever has been marginalised by a given ontological system. In the context of IR, the standard ontological framework would be the states-system, and the exterior would be the world to tribes, indigenous peoples and other non-state social formations.

Introduction

This paper departs from the recent introduction of the term ‘intersocietal’ into the academic discipline of International Relations (IR) by a group of scholars applying Leo Trotsky’s idea of uneven and combined development (U&CD) as an approach to IR. They see U&CD as providing the theoretical means through which to move IR from its prevalent narrow focus on the geopolitical-strategic dimension of inter-state politics, to a broader focus on the consequences of intersocietal interaction. It will be argued that while this represents a welcome broadening of view in IR, U&CD have not done justice to the term ‘intersocietal’. Though they have provided the theoretical means for illuminating the dynamics of intersocietal interaction, they have not gone to sufficient lengths in questioning IR’s equation of the society with the state. A truly intersocietal theory would break with the state-centrism of IR by including non-state societies that remain submerged under the states-system and invisible to IR. This paper suggests Enrique Dussel’s Philosophy of Liberation (PoL) as providing the conceptual means for a genuinely intersocietal theory, capable illuminating of non-state societies such as indigenous, tribal and pastoral nomadic peoples, and their forms of societal organisation, territoriality and ethical needs. The potential of Dussel’s PoL as an intersocietal theory will be demonstrated through its application to the empirical case of conflicts between the Nordic states and the Sámi people caused by hydropower incursions into Sámi reindeer herding areas, and how the Sámi people increased their capacity to resist these incursions through their involvement with the global indigenous peoples’ movement.

This paper is divided into four sections. The first provides an overview of how the term ‘intersocietal’ has been used in contemporary IR, and why it is found unsatisfactory. The second section introduces the alternative conceptual framework of Dussel’s PoL, which it will be argued, provides the theoretical means for a conception of the ‘intersocietal’ as inclusive of non-state societies. The third section applies PoL to the empirical cases of incursions into Sámi reindeer herding areas through hydropower projects, which are understood as intersocietal conflicts between the Nordic states and the Sámi people. The section also highlights the significance of Sámi intersocietal political agency through its involvement in the global indigenous movement, and how this affected the dynamics of the Alta dam conflict. The final section provides an account for how intersocietal developments influenced the aftermath of the Alta dam conflict, leading to a renegotiation of Norwegian state-Sámi relations, and how this compares to Swedish and Finnish state-Sámi relations.

This paper references interview data with two of my informant from my PhD research Nils Henrik Sara and Pekka Aikio, they are referred to by the informants’ surname and the year of the interview.

Nils Henrik Sara is an active full-time reindeer herder, former chairman of the Norwegian National Association of Reindeer Herding Sami (NRL) and board member of the foundation Protect Sápmi. Pekka Aikio is a former full-time and current part-time reindeer herder, biologist, first Chairman of the Finnish *Sámediggi* (Sámi Parliament), current Vice Chairman of the Finnish Sámi Reindeer Herders Association, former member of the Sámi Council, Sámi delegate to World Council of Indigenous Peoples, and member of the committee that drafted the International Labour Organization's Indigenous and Tribal Peoples Convention (ILO 169). The interview materials are used with the informants' consent. If anyone wishes to verify the claims made, copies of the interview transcripts can be requested by emailing the author.

1. The 'intersocietal' in International Relations

A group of scholars have in recent years introduced the term 'intersocietal' to the discipline of International Relations (IR), to broaden its analytical scope from its prevalent narrow focus on the security oriented strategic-geopolitical rivalry of states, to theorising the broader consequences of the interaction between different societies (Rosenberg 2007: 450-1; 2016b: 20; Matin 2013b: 365-369; Anievas & Matin: 2016: 6-8; Anievas & Nişancioğlu 2015: 44-51). They see the traditional preoccupation with interstate geopolitical rivalry as arising from the absence of any real theory of intersocietal interaction, where IR theory, and specifically its realist branch has opted to theorise the 'outside' of an inside/outside dichotomy between domestic (inside) international (outside) politics (Rosenberg 2013: 188-189; 2016b: 20-21). This has resulted in a partial grasp of the causal logic of the strategic-geopolitical dimension of interstate politics, in reified form, separate from its underlying societal causes (Rosenberg 2013: 199-201; Callinicos & Rosenberg 2008: 96-99).

In order to overcome this reification of international politics and find a way to theorise interaction between societies, beyond the geopolitical-strategic dimension, they have adapted Leon Trotsky's idea of uneven and combined development (U&CD) as a theoretical approach to IR. In very broad terms, their adaption of U&CD is based on two core assumptions: (I) there are many societies; (II) they interact and are relatively uneven in terms of their political, socio-economic and cultural makeup (Rosenberg 2013: 193-193; 2016a: 8-12; Anievas & Matin: 2016: 7; Matin 2013b: 367-369). These two assumptions have implications for the process of 'development' which is their conceptual device for capturing the consequences of intersocietal interaction. As societies of relatively uneven internal makeup interact, they appropriate practices from one another that they could not at the time have generated endogenously. Such practices can for example be economical, political, cultural or religious. These appropriated practices intermesh with domestic practices resulting in hybrid

social formations that could not have existed without intersocietal interaction. Thus the interactive intersocietal dimension means all societies necessarily develop along unique hybrid paths. U&CD draws attention to such hybrid aspects of social reality that could not have existed without the interactive intersocietal dimension (Rosenberg 2013: 196-197; Matin 2013b: 362, 367-350; 2013a, 2-3; Matin & Anievas 2016: 6-11; Anievas & Nisancioglu 2013: 85-87; 2015: 46-57).

By treating the intersocietal as signifying the role of interaction between societies plays in the constitution of all societies, the application of U&CD to IR represents a considerable broadening of view from IR's traditional preoccupation with the agency of states and security politics. However, in their move from the 'international' conceived as inter-state politics to the 'intersocietal' conceived as all forms of interactions between societies, the U&CD scholars have not gone to sufficient length in questioning the equation of the 'society' with the state or the normative implications of continued state-centrism.

In their applied historical studies the U&CD scholars have included social formations other than sedentary territorially bounded states in the form of pastoral nomads. But this has mostly been limited to their role in premodern state formation (Nişancıoğlu 2016: 76; Matin 2013a: 35-40; Allinson 2016: 107-109). In the theoretical approach of U&CD and specifically their concept of 'development' there is an implied assumption of linear progression towards the formation of a modern states-system (Rosenberg 2006: 329-330; 2016a: 20; Anievas & Nisancioglu 2015: 54; Anievas 2014: 45; Matin 2013a: 27), as after its emergence and consolidation, other social formations drop out of their historical narratives altogether. Thus, though U&CD provides the conceptual means through which to theorise the consequences of interaction between societies, it does not really do justice to the term 'intersocietal', which its proponents have coined, as it keep equating the 'intersocietal' with the inter-state in the era of the modern states-system. This has problematic normative implications, as it denies all non-state social formations recognition as societies, keeping them outside the object domain of IR, without a presence and without a voice.

The intersocietal should not be conceived as consisting exclusively of entities living by the states-system's practices of fixed, mutually exclusive territoriality, but should include layers of overlapping societies, that live by radically different practices of social organisation and territoriality. Only thus would the term 'intersocietal' constitute a meaningful break with the 'international'. Non-state societies include indigenous, tribal and pastoral nomadic peoples, who are often one and the same. They have their own non-bureaucratic forms of social organisations and practices of territoriality that are not necessarily fixed or mutually exclusive. The idea that the state has universally superseded all other forms of societal organisation is simply not true. For example, a recent study by

the UN Food Organisations estimates that open range pastoralists today use 25 percent of the world's land surface and number at least 2000 million, but the discipline of IR can no longer perceive them since they have been submerged under the states-system which it equates with the intersocietal (UNEP 2015).

A new approach to IR is needed for illuminating non-state peoples as integral aspects of the intersocietal. Enrique Dussel's philosophy of liberation offers a theoretical approach specifically tailored to illuminate the ethical needs and realities of marginalised peoples from their perspective through the concept of exteriority. In the intersocietal realm, the exterior includes non-state societies, as they do not enjoy the same level of recognition and rights as states. And while they have been fighting for recognition, they have not all been trying to achieve statehood, but for recognition on their term as societies with different aspirations than the states.

2. Alternative approach to the intersocietal: Dussel's liberation philosophy

Enrique Dussel's Philosophy of Liberation (PoL) is based on an interpretation of historical materialism as an ethical hermeneutics of the economy, where the state of the economy is assessed from the perspective of an excluded party, in order to identify the obstacles to their symmetrical inclusion and how they can be overcome (Barber 1997: 97). He arrives at this understanding through a theory of knowledge based on Emmanuel Levinas' phenomenology, according to which ethics is the first logically foundational philosophy, from which all knowledge and understanding follows (Dussel 2013: 268).

To Levinas the most fundamental phenomenological category from which all others spring is that of face-to-face proximity with the Other (Dussel 1996: 80; 2013: 271; 593). Proximity is the pre-analytical state out of which meaning and ontology emerge through the condition of 'sensibility' (Dussel 2013: 269-271; 593). 'Sensibility' refers to a condition of shared awareness between the self and Other of the vulnerability of the living corporeality to exposure and violence (Dussel 2013: 271-276). Recognition of this shared vulnerability generates an ethical compulsion of unconditional responsibility for the survival and wellbeing of the Other through the realisation that if we kill the person closest to us or allow him/her to perish through inaction we are responsible as individuals, and by extension as communities (Dussel 2007: 80; 2013: 271-277). This ethical compulsion towards the Other is the foundation of reason, ontology, knowledge and culture, as they originated as responses to it, as it compels us confront nature to obtain and fashion the mediations necessary to ensure the survival of the Other (Dussel 2013: 278). The ethical duty towards the Other can be

neglected, but not denied. It is ultimately the foundation of human existence, as if humanity were to lose sight of it, humanity would, over time, lose the ability to reproduce itself (for example through ecological devastation or nuclear war) (Dussel 2013: 277, 285).

The ethical duty towards the Other, that all human communities must to a degree fulfil for human life to persist, yields a set of concrete universal ethical requirements Dussel formalises as the 'universal material-ethical principle' (Dussel 2013: 99), which contains the basic preconditions for human communal life. It states that all human beings and by extension communities *ought* to have the basic necessities for life, namely food, dwelling, security, and autonomy in making their choices for how to provide these goods and pursue the higher cultural functions of human life (ibid: 93). These are universal deontological ethical requirements that all human communities presuppose and of which they are particular expressions (ibid: 96). If these requirements were left too badly under-fulfilled, the communities would lose the capacity to reproduce themselves and, over time, cease to exist (ibid: 96).

The ethical duty to provide for the survival and wellbeing of the Other can only be met through the activity of labour performed in the context of human communities. Dussel terms the labour process through which communities obtain and fashion the objects necessary to provide for their ethical needs as *poiesis*, the Greek word for creation. To explain Dussel's understanding of *poiesis*, it is necessary to contextualise it in relation to the Heideggerian inspired 'ontological difference' (Polt 1999: 40-41) between Being (capitalised; German: *Sein*; Latin: *esse*) and being (not capitalised; German: *das Seiende*; Latin: *entia*) (Dussel 1985: 4). Being (*esse*) is the precondition of human intelligibility, it is the light that opens up ontological horizons that make it possible to organise impressions and relations into coherent wholes (ibid: 26). Whereas a being (*entia*) is something that humanity constitutes as meaningful by contextualising it within an ontological horizon opened up by Being (*esse*) (ibid: 26). A being (*entia*) can be a material object that is perceived as meaningful to humanity, but it does not have to be one, as a being (*entia*) can also be an imaginary entity embedded within the shared public consciousness such as fictional characters or mythical figures (ibid: 23). being (*entia*) is a dependent category, as it is founded within the context of an ontological horizon which presupposes the foundational category of Being (*esse*) through which the ontological horizons are constituted (ibid: 26). Ontological horizons are not constituted in a social void on individual subjective level, rather they are intersubjectively shared by human communities (ibid: 4, 23-34, 41). Such communally shared ontological horizons are termed 'totalities' and consist of webs of publicly shared meaning that together form coherent wholes (ibid: 22-23). Each human community is the centre of their own totality, generating their own meaning through their Being

(*esse*) (ibid: 23-27). Totalities need not be incommensurable; their boundaries can overlap and merge and each totality consist of several subsystems that are totalities in their own right (for example the world economy, regional and national economies; nations, tribes, social classes, militaries, professions, families) (ibid: 23-27). When human communities engage in *poietic* activities of labour in pursuit of satisfying their ethical needs and aesthetic preferences, they function as an instrumental totality.

Poietic activity is of projective nature, where communities, functioning as instrumental totalities envision natural being (*entia*) as mediations, fulfilling some instrumental or/and aesthetic function in relation to its *proyecto*. The term *proyecto* (for which the translators retain the Spanish form) signifies self-projection into the future, and can apply to individuals and communities/totalities (ibid: 24). The term 'mediation' signifies anything that fulfils an instrumental or/and aesthetic function to the totality (ibid: 38, 53). During the *poietic* process, natural beings (*entia*) are envisioned as potential mediations through the *proyecto* of the totality, and this potential is realised through the *poietic* activity of labour, which refashions the beings (*entia*) into mediations. The same natural being (*entia*) can be constituted as a mediation in a variety of ways, depending on how it is envisioned as fulfilling an instrumental or/and aesthetic purpose by a totality (ibid: 23). A river could for example be envisioned as fulfilling a number of aesthetic and instrumental purposes. It could be viewed as a pristine aspect of nature for the enjoyment of the public, as fishing waters, as a source of drinking water, as a source of irrigation water, as a transportation route, as a source of hydroelectricity, combinations of the aforementioned, or as serving some entire different aesthetic and instrumental purposes.

Thus, human communities respond to the unconditional ethical compulsion to care for the wellbeing of the Other, formalised by Dussel as the universal ethical-material principle by organising into instrumental totalities that provide for their ethical-material needs by constituting natural beings (*entia*) into mediations through the *poietic* activity of labour.

Dussel has provided criteria for how the requirements of the above defined 'universal ethical-material principle' ought to be implemented through the 'universal validity criterion', the 'feasibility criterion' and the 'critical validity criterion' (Dussel 2013: 104). The 'universal validity criterion' demands that all human beings affected by a decision are symmetrically included in the deliberation process. A decision is valid when it has been taken through the symmetrical participation of all affected parties (ibid: 144-155). The 'feasibility criterion' demands that decisions taken have to be practically feasible to implement, and not 'ethically impossible'. Actions that would make the life of any human being impossible are ethically impossible, irrational, and should not be implemented

(ibid: 191). Recognition that the 'universal ethical-material principle' and its first two implementation criteria are ideals that should always be strived for, but are impossible to fully realise in practice, as in any totality there will inevitably be marginalised groups, generates the third 'critical validity criterion' which provides ethical guidance for how to address their plight (Dussel 2008: 80).

The 'critical validity criterion' draws attention to marginalised groups through the concept of exteriority. Exteriority refers to that which is beyond the Being (*esse*) of a dominant totality (ibid: 41). An exterior community is either entirely invisible to the dominant totality or is perceived by the dominant in totality in partial ways that deny the alterity of the exterior community, as the unique traits, needs and values of the exterior community are beyond the dominant totality's scope of comprehension (Dussel 1985: 41). Another way that exteriority can be conceptualized is as internal transcendence in relation to dominant totality. Internal transcendence means being involved with the dominant totality to an extent and forming some understandings according to its frame of reference, while also having involvements and forming understandings without reference to the dominant totality (ibid: 47). Though the marginalised exterior communities suffer negative consequences from the actions and mediations of the dominant totality, they are in another sense radically free of it. They do not abide by its *proyecto*, as they have their own Being (*esse*) through which they constitute their own *proyecto* and sense of justice (ibid: 44-45). It is with reference to these external values of the marginalised community that the critical validity criterion is formulated.

Marginalisation exists because of under-fulfilment of the 'universal validity criterion', as the dominant totality has been able to uphold the validity of its truth claim (reality I), from the perspective of its Being (*esse*), by excluding the dissenting voices of the marginalised exterior totalities from the deliberation process. Formulation of critical validity begins when marginalised exterior groups and individuals form a critical community based on shared recognition that they are suffering negative consequences from the actions and mediations of the dominant totality (ibid: 345). Once the critical community has established consensus on what the causes of their suffering are and what potential routes to liberating transformation there exist, they have formulated their contrary truth claim (reality II) with reference to their Being (*esse*). By addressing their truth claim (reality II) to the dominant totality, they are expressing an interpellation with the intent of invalidating truth claim of the dominant totality (reality I) (ibid: 282-3). This opens the possibility for liberating transformation of the dominant totality on the basis of acceptance of the truth claim (reality II) of the exterior critical community (Dussel 1985: 47; 2013: 299). To the extent that institutional communication channels exist and function, they should be used, but as extra-systemic

critiques tend to get ignored, more direct methods involving popular mobilization may be necessary. Should the critical community fail in initiating a symmetrical dialogue with the dominant totality, it is entitled to proportionate resistance to the harm inflicted on it (Dussel 2013: 409). To fulfil the 'critical validity criterion', and act ethically towards the exterior critical community, the dominant totality would have to accept its truth claim (Reality II), which would entail a liberating transformation of the dominant totality, removing the obstacles to the fulfilment of the exterior marginalised community's rights under the 'ethical-material criterion' (Dussel 2013: 344). The liberating transformation would have to be qualitative, culturally empowering, entailing an expansion of the dominant totality's ontological horizon, enabling it to perceive and recognise the alterity of the exterior community, with its own Being (*esse*) and system of meaning derived from it, which differ from that of the dominant totality (Dussel 1985: 47; 2013: 299).

Applied to the intersocietal realm, the dominant totality is the states-system and its constituent totalities of the states, which through their Being (*esse*) constitute the world's landmass as belonging exclusively to them in accordance with their norms of sovereignty, with accompanying bounded mutually exclusive fixed territoriality and exclusive juridical authority. This amounts to treating all non-state societies as exterior and subject to their sovereign practices of territoriality and juridical authority, negating the alterity of non-state societies by denying validity to their forms of societal organisation and territoriality.

Conflicts between the intersocietal's dominant totality of the states-system and its negated exterior of non-state societies often takes the form of states appropriating natural beings (*entia*), that were already serving as life-essential mediations to non-state societies, and reconstituting them as mediations in manners that eliminates their prior functions as mediations to the non-state societies. The following section will provide an applied demonstration, where PoL is used to illuminate such appropriations and reconstitutions of natural beings (*entia*), as the Nordic states appropriated watercourses that were serving as life-essential mediations to the Sámi, and reconstituted them as the mediation of hydropower, which ruled out many of their prior *poietic* functions that the Sámi depended on. However, as will also be seen below, the Sámi grew their capacity to resist such appropriations by the states by joining the exterior critical community of the global indigenous people's movement in voicing their interpellation towards the dominant totality of the states-system.

3. Hydropower incursions into Sápmi, Sámi resistance and agency at the intersocietal level

This section provides an application of Dussel's PoL as an approach to intersocietal relations, by illuminating hydropower incursion by the dominant totalities of the Nordic states into Sámi reindeer herding areas as intersocietal conflicts between state and non-state societies. The application of PoL proceeds through several steps. First, it is necessary to provide an account for how the dominant totality viewed the situation that led to the conflict, as it wields disproportionate power and thus has the capacity to forcefully impose its interpretation. Next, how the exterior marginalised party experienced the situation, with reference to which the ethicality of what transpired is assessed in relation to PoL's criteria. The next step is to assess whether the exterior marginalised party formed into critical communities and tried to formulate its ethical demands and express them through interpellations towards the dominant totality, and how the dominant totality responded to these interpellations (the critical validity criterion). The final step is to assess whether these interpellations led to any liberating transformation of the dominant totality to enable recognition of the alterity of the marginalised party, or whether potential for such liberating transformation exists.

This section is divided into three subsections. The first analyses hydropower incursion into Swedish Sámi reindeer herding areas in the 1950s and 1960s, and the Sámi response. The second subsection assesses the Lokka-Porttipahta reservoir's impact on the local community in Finnish Lapland. The third subsection follows the Sámi people's involvement in the global indigenous movement, and the global indigenous movement's efforts to gain recognition for indigenous peoples as societies of the intersocietal. The fourth subsection assesses the Norwegian state-Sámi confrontation of the Alta-Guovdageaidnu watercourse dam conflict, while drawing attention to how the Sámi's involvement with the global indigenous movement produced a very different outcome than in the prior hydropower incursions into Swedish and Finnish Lapland, as the *Alta*¹ conflict marked the beginning of a renegotiation of Norwegian state-Sámi relations.

3.1 Hydropower incursions into Swedish Sápmi

In Sweden there was a dramatic expansion of hydropower into Sámi reindeer herding areas during the 1940s to 1970s (Kløcker et. al. 2016: 27; Beach 1981: 253-254). For example Ume River and its tributaries were dammed at 16 separate points, (Öhman & Persson 2014: 13), and the two Lule

¹ I use '*Alta*' in italics to differentiate the Alta- Guovdageaidnu watercourse conflict from the town Alta

Rivers at 18 points (2014 Lundberg: 207). The totality responsible for hydropower planning in Sweden was the State Energy Board, *Vattenfall*. When the first hydropower projects in Swedish Lapland, the Porjus and Suorva dams were being planned and built in 1910-1914 and 1919-1923, the Sámi were completely exterior to its Being (*esse*), as *Vattenfall* never considered that Sámi reindeer pastoralists were already using the natural beings (*entia*) of lands and waters that it was reconstituting as the mediation of hydropower.

In the 1950s *Vattenfall's* planners recognised that Lapp Villages² were already relying on the natural beings (*entia*) of the lands and waters that it was to reconstitute as potential energy. However, it adopted a badly flawed method for estimating damages to Sámi reindeer pastoralists, by assuming that all pasture areas are qualitatively undifferentiated and calculating percentage of nominal pasture areas lost (Lantto 2003: 118). Thus the totality of *Vattenfall* as an organ of the larger totality of the Swedish state ontologically constituted the natural beings (*entia*) of watercourses and surrounding lands of Lapland as the mediations of potential energy for the *proyecto* of Swedish industrial society, while ontologically obscuring the actual damage it did to the Sámi pastoralists. The Sámi's continued exteriority in relation to the Swedish totality in the context of hydropower planning was expressed by the complete omission of reindeer herding from a 1957 public investigation on hydropower in northern Sweden (Össbo 2014: 194).

From the Being (*esse*) of the totalities of the affected Lapp/Sámi Villages the effects were quite different than what *Vattenfall* took them to be. The natural beings (*entia*) of the watercourses that were being reconstituted as the mediations of hydroelectricity to fulfil the industrial *proyecto* of the totality the Swedish majority society had already been constituted as life-necessary mediations by the *proyecto* of reindeer pastoral Sámi for hundreds of years, serving several *poietic* functions that were denied or degraded through the hydropower dams. First, frozen rivers have always been the natural migration routes during spring migrations. The dams resulted in irregular water flows, making the ices brittle, transforming the rivers from assets during spring migrations to potentially deadly hazards to both the herders and the reindeer (Lantto 2003: 108, 119; Össbo 2014: 180; Jones 1982: 9). Second, as the river banks, lake shores and their connected marshes consistently thaw first and have protein rich plants, making them irreplaceable as spring pastures and calving grounds. These functions are denied as constant changes in levels of regulated waters drown all vegetation on the banks and shores (Beach 1981: 225; Paine 1982: 36). Third, reindeer pastoralism in Sweden has always been a combined economic activity that also relies on fishing and hunting for subsistence and income. By degrading fish stocks, the dams undermine this material precondition, which was also

² The organisational unit of Swedish Sámi reindeer herding, renamed into Sámi Villages through the 1971 Reindeer Grazing Act

ignored by the Swedish totality's damage estimates (Jones 1982: 9, Lantto 2003: 108, 119; Össbo 2014: 180; Beach 1981: 225). Finally, the reservoirs increase air humidity, resulting in increased mist formation during the autumn which creates an icy crust over the lichen, making them harder for the reindeer to access (Lantto 2003: 108). Thus from the Being (*esse*) of the affected Sámi totalities, the damages were much more extensive and manifold than *Vattenfall's* reductive method of measuring percentage of nominal pasture area lost would convey.

The dam constructions amounted to the forcible *poietic* reconstitution of the natural beings (*entia*) of watercourses and land that had already been constituted *poietically* in contrary ways through the *proyecto* of the Sámi totality, impeding the Sámi's autonomous material self-reproduction in above summarised ways, making them a violation of the universal material-ethical principle along with it the ethical feasibility criterion. Throughout the 1950s consultations on dam construction between the Swedish and Sámi totalities were non-existent. It was only after the Sámi gained some capacity to assert themselves through the maturation of the Sámi critical community of the National Union of the Swedish Sámi People (SSR) in the 1960s that they were consulted in any way, but this only amounted to negotiations for direct monetary compensations after the projects had already been unilaterally approved (Össbo 2014: 164-171, 217-219), falling well short of the universal validity criterion's requirement for symmetrical communication. Thus the dams were unethical and the basis on which they were approved was invalid, based on exclusion of the Sámi from the decision making process. In relation to the critical validity criterion, the critical Sámi community of the SSR had formed in 1950 and would soon thereafter start formulating the Sámi point of view and express it towards the dominant totality of the Swedish state in a series of interpellations.

The Sámi critical community of the SSR, which had formed in 1950 as a reaction against potential bureaucratic encroachment from the state (Lantto 2000: 265-268), began formulating a concerted strategy for defence against further hydropower incursions by establishing a committee on water regulation issues in 1955 (Össbo 2014: 173, 194; Lantto 2003: 111). The SSR rejected the validity of *Vattenfall's* damage estimates, along the same lines as summarised above, regarding the disconnect between the estimates and the actual damages (Lantto 2003: 108, 116-19; Össbo 2014: 180). In terms of concrete interpellations towards the totality of the Swedish state, the SSR had made demands for Sámi involvement in industrial planning in Lapland, for a share of the revenue from projects on their usufruct lands and for replacement in kind for flooded lands, all of which fell on deaf ears (Össbo 2014: 173, 192-194; Lantto 2003: 94-96, 111). The only demand that was eventually accepted by the state was that that individual herders and Lapp Villages should be eligible

for direct compensation rather than only indirect compensation through the Lapp Fund (Össbo 2014: 171, 188-189; Lantto 2003: 122).

In 1957 the SSR made its strongest interpellation towards the totality of the state on hydropower incursions through a coordinated lobbying effort directed at the ministers of justice, agriculture and information, demanding the protection of certain tundra lakes from any future water regulation and a veto power for Lapp Villages on further hydropower incursions above the Cultivation Boundary³ (Lantto 2003: 111-123). A separate request in 1959 demanded a survey for an inventory of existing reindeer grazing lands, during which all further watercourse regulations be put on hold (ibid: 111-123). In response the government claimed to have addressed SSR's concerns by amending the Water Act to include 'other livelihoods' as eligible for compensation for losses to hydropower projects, without even specifically including reindeer herding, and appointed a surveying commission without halting further projects (Lantto 2003: 112; Össbo 2014: 201-202). The surveying commission's report downplayed damages to reindeer pastoralism from hydropower and claimed they were being adequately compensated monetarily (Össbo 2014: 203; Lantto 2003: 114).

The hydropower threat played a strong catalysing role in uniting Sweden's reindeer herding Sámi under the critical community of the SSR, with all of Sweden's Lapp Villages having joined it by 1961 (Össbo 2014: 186-19; Lantto 2000: 265-266). The SSR voiced the Sámi's interpellation to the dominant Swedish totality about the threat hydropower expansion posed to their way of life, but to little avail. In reconstituting natural beings (*entia*) through its *proyecto* in ways that destroyed or impeded the *poietic* functions they were already serving under the *proyecto* of Sámi totalities, the totality of the Swedish state violated the universal material-ethical principle. The Swedish state also violated the universal validity criterion by excluding the Sámi from the decision making process and failed to fulfil the critical validity criterion by ignoring the repeated interpellations expressed by the Sámi critical community of the SSR.

3.2 The Lokka-Porttipahta reservoirs

Parallel to the challenges the Swedish Sámi were experiencing in relation to hydropower, the Lokka-Porttipahta project was being implemented in Finnish Lapland, begun in 1954 and completed in 1967. The project completely destroyed the mixed Sámi-Finnish community of Sompio, displacing

³ A boundary legally established in 1890 that was supposed to protect Sámi reindeer herding areas demarcated by the Boundary from settlements, but in practice only gave the Sámi year round reindeer grazing rights and exclusive hunting and fishing rights above it.

560 of the 660 inhabitants, most of who moved to the nearby village of Vuohčču (Jones 1982: 10; Aikio, P. 2011: 84). The Lokka-Porttipahta project was not a clear cut ethnic conflict between the totalities of Finnish and Sámi societies as Finns were also displaced by the reservoirs, and the majority state owned hydropower company *Kemijoki OY* did its best to cheat Finns and Sámi alike out of their lands at the lowest possible levels of compensation, with tactics involving the use of alcohol and threatening with expropriations at lower rates of compensation (Aikio, A. 2011: 106). However, the Sámi reindeer pastoralists were in a more exposed position than the Finnish farmers due to their *poietic* exteriority in relation to the Finnish totality. As the Finnish state did not recognize their forms of pastoralist territoriality, they could only claim compensation for the land they formally owned, and not for the much waster pastoral ranges they had usufruct rights over but not formal ownership (Mustonen & Mustonen 2011: 14, 30-34).

The herding district most affected by the reservoirs, *Lapin Paliskunta*, is the southernmost majority Sámi reindeer herding district of Finland. My informant Pekka Aikio grew up in a reindeer pastoralist family of *Lapin Paliskunta* in the 1950s and 1960s and remains a reindeer owning member of the district today. He explained how *Lapin Paliskunta* before the Lokka-Porttipahta reservoirs was one of few herding districts in Finland with sufficient variety in pasture types to enable a genuine pastoral nomadic reindeer herding system (Aikio 2016). In Finland most herding districts are too small and have too little variety in pasture types to enable pastoral nomadism, compelling most of the Sámi herding operations to conform to the Finnish sedentary ranching model (Aikio 2016; 2017a). The reservoirs destroyed this variety of pasture types in *Lapin Paliskunta*, forcing its herders to drastically reduce reindeer amounts and abandon their pastoral nomadic herding methods, in a sense assimilating this Sámi pastoral nomadic system to the sedentary ranching model of the dominant Finnish totality (Aikio 2016).

Fishing and small game hunting had been important subsistence resources in Sompio. Both were degraded by the reservoirs as they flooded game habitats, while it also degraded water quality, which was made worse by the birch forests left to rot beneath the water, which also became a hazard to boats and would tear fishing nets (Mustonen & Mustonen 2011: 18; Aikio, P. 2011: 84). This also affected downstream watercourses, with all the 130 inhabitants eventually abandoning the downstream Sámi village of Purmukka after the fish disappeared from its river (Jones 1982: 10). Local reindeer herders had tried to resist the Lokka-Porttipahta project, forming a committee to coordinate their actions (Aikio, P. 2011: 85). They were met by an intimidation campaign from *Kemijoki OY* and exclusion from the 'voluntary' property purchases, ensuring that their lands would be expropriated for much lower rates of compensation as punishment for their resistance (ibid: 85).

Similarly to what transpired in Sweden, the Lokka-Porttipahta project was one where the natural beings (*entia*) of land, forests, lakes and rivers were forcibly reconstituted through the *proyecto* of the totality of the Finnish state through its subsidiary *Kemijoki OY* into the mediations of hydroelectricity, timber and pulp for the benefit of the totality of Finnish majority society at the expense of the totality of Sámi society, the *proyecto* of which had already constituted these natural beings (*entia*) as the mediations of pastures, fishing waters, game habitats and homesteads.

The Lokka-Porttipahta project clearly impeded the autonomous material reproduction of all Sompio residents, Sámi and Finnish alike, while it hit the Sámi reindeer pastoralists particularly hard, being in clear violation of the universal material-ethical principle and the ethical feasibility criterion. The closest thing to consultations that existed were the ‘voluntary’ purchases of land, which were clearly not conducted in good faith, thus violating the universal validity criterion. In relation to the critical validity criterion, *Kemijoki OY* met the interpellation of the local critical Sámi community through intimidation and punitive expropriations, clearly failing to live up to its requirements. In short, the Lokka-Porttipahta project was an ethically impossible project where the dominant totality of Finnish society *poietically* reconstituted the natural beings (*entia*) that underpinned one of Finland’s few remaining Sámi pastoral nomadic systems, resulting in its assimilation to the Finnish sedentary ranching system in reduced form.

The Lokka-Porttipahta reservoirs did not have the same kind of catalysing effect as the Swedish hydropower expansion had in rallying support for SSR (Aikio 2016). However, it did affect the trajectory of the Finnish Sámi movement, which had previously been state and modernisation friendly, seeking state support for modernisation on Sámi terms (Nyyssönen 2007: 208). As a younger generation of Sámi activists came of age in the 1960s, the disregard shown towards the Sámi through the Lokka-Porttipahta contributed to their shift in priorities to trying to secure Sámi land and water rights and resisting further encroachments by the state and the majority society (ibid: 208 322).

3.3 Interlude: the Sámi as an agent of the intersocietal

During the 1970 a group of societies exterior to the dominant totality of the states-system banded together to form a critical community at the intersocietal level through the formation of the global indigenous peoples’ movement. The Sámi first came into contact with the nascent global indigenous movement when Norwegian Sámi activist Aslak Nils Sara met George Manuel, Chief of Canada’s Indian Brotherhood (IB) and future founding President of the World Council of Indigenous Peoples

(WCIP), at the UN's first environmental conference in Stockholm (Minde 2003: 81). They were both attending as members of their respective countries' delegations. More contacts between Sámi (from Norway, Sweden and Finland) and North American Amerindians formed at an adjacent unofficial environmental forum where the consequences of the Lokka-Porttipahta reservoirs were demonstrated in a photo presentation (Nyyssönen 2007: 212).

In the following years Manuel and the IB led the preparatory work for establishing the WCIP. Sámi delegations participated in two preparatory meetings held in Georgetown, Guyana and Copenhagen (Minde 2003: 83; Sanders 1977: 13). In 1975 the WCIP held its inaugural conference at Port Alberni, British Columbia, where the Sámi were represented by a delegation from the Nordic Sámi Council (NSC) (Sanders 1977: 14; Nyyssönen 2007: 263). A total of 52 delegates and 135 observers participated, representing Amerindian peoples from across the Americas, Intuits, Sámi, Maori, Australian Aboriginals and native Hawaiians (Sanders 1977: 14). The invitation criteria were for representatives of peoples from countries with more than one ethnic or racial group that had lived on the land before the arrival of other groups, and do not control the states that rule their lands (Minde 2003: 85). No African or Asian peoples were invited for organisational reasons, while the organisers had unsuccessfully reached out to indigenous peoples in the Soviet Union (Sanders 1977: 13).

At the Port Alberni conference the Sámi delegates at first had problems gaining acceptance as indigenous from South and Central American Amerindians to whom the Sámi looked suspiciously white (Valkepää 1983: 113). IWIGA leader Helge Kleivan explained the Sámi's history in Spanish leading the Central and South American Amerindians to accept them as 'White Indians', while *joik*⁴ artist Nils-Aslak Valkepää's performance dispelled any remaining doubts regarding the Sámi's indigeneity (Minde 2003: 85). The Port Alberni conference delegates agreed on the need to make the existence of indigenous peoples known to the world, and how their experience of industrial development had been one of dispossession and degradation of lands and waters and the resourced therein (Jull 2003: 25-26). Being well organised and experienced through their work in the NSC and national Sámi organisations, the Sámi became an active player at the WCIP and were allowed to host the next WCIP conference in 1977 at Kiruna, Sweden (Jull 2003: 25; Kemner 2011: 19). Sámi involvement with the global indigenous movement had a profound effect on Sámi self-understanding and the way the Sámi movement represented itself towards the Nordic states (Minde 2003: 88).

⁴ Traditional Sámi throat singing

The formation of the WCIP marked the coming together of societies exterior to the dominant intersocietal totality of the states-system to announce their existence to the world and demand recognition in their alterity as an aspect of the intersocietal. Their demands for recognition of rights to self-determination were not couched in the states-system's language of statehood, sovereignty and exclusive jurisdiction (Oskal 2002: 3). Rather it was for recognition of a form of territoriality belonging that is intimately connected to the land, where subsistence is derived directly from it and in harmony with the ecosystem; a form of territoriality that cares little for imaginary lines drawn on a map. Their demands for material justice were not made in the conventional language of egalitarian distributive justice, but for recognition of the right to be left outside the relentless pursuit of more 'development' and notions of linear progression (Jull 2003: 25-26; Sanders 1977: 17-18). The Sámi remained at the heart of this process.

The critical community of the global indigenous peoples' movement's interpellation to the dominant totality of the states-system for recognition as an aspect of the intersocietal would achieve some modest results. Parallel to the emergence of the global indigenous movement, the rights of indigenous peoples was becoming increasingly central to the UN Human Rights Commission's monitoring work (Eide 2006: 161). At the time the International Labour Organisation's (ILO) Indigenous and Tribal Populations Convention of 1957 (ILO-107) was the only international covenant that specifically recognised indigenous peoples (MacKay 2010: 8). Its content was heavily assimilationist, focusing the eliminating barriers to the full inclusion of indigenous peoples into the majority societies (ibid: 8). Similarly, the UN's human rights agenda in relation to indigenous peoples was at first solely focused on achieving the full integration of indigenous peoples into the majority societies by eliminating discrimination against them (Eide 2006: 163).

In 1971 the UN Human Rights Commission's Sub-Commission on Prevention of Discrimination and Protection of Minorities (henceforth the Sub-Commission) launched a comprehensive study into discrimination against indigenous peoples, which at first followed the ingrained line of only seeking to overcome exclusion from the majority societies (Lile 2006: 14; Eide 2006: 163). After receiving feedback from indigenous organisations and particularly the WCIP, the Sub-Commission changed course to put greater emphasis on guaranteeing indigenous peoples' rights to self-determination and rights to lands and waters (Eide 2006: 163-164; Kemner 2011). The collaboration between the Sub-Commission and indigenous organisations culminated in the establishment of the Geneva based UN Working Group on Indigenous Populations (WGIP) in 1982, which provided an institutional channel to the UN for indigenous peoples, whose NGO's could participate in the WGIP's sessions as observers (Eide 2006: 163-164; Kemner 2011; Lile 2006: 14). The Sámi participated as delegates of

the Nordic states, as part of the WCIP and represented themselves directly through the NSC (Lile 2006: 13; Aikio 2016; 2017b; Minde 2003: 91).

The two major achievements of the WGIP were the replacement of ILO-107 with the new Indigenous and Tribal Peoples Convention ILO-169 in 1989 and the draft of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), completed in 1993 (Lile 2006: 13-14). The process that led to the replacement of ILO-107 with ILO-169 began with criticism of the assimilationist content of ILO-107 from the WCIP and other indigenous NGO's, leading the ILO to invite the WGIP, representatives of WCIP and another indigenous NGO, Survival, to participate in drafting ILO-169 at a Geneva assembly in 1986 (ibid: 14). My informant Pekka Aikio, then a veteran of numerous WCIP and WGIP meetings, participated in this process as delegate of the Finnish state and is credited with the inclusion of Article 14 of ILO-169, which guarantees indigenous peoples 'ownership and possession' (ILO-169: Article 14) of the lands they traditionally occupy and usufruct rights to lands they traditionally use but do not occupy exclusively, with particular attention to nomadic peoples and shift cultivators (Aikio: 2017b; Nyssönen 2007: 324).

The UNDRIP was eventually passed with some amendment by the UN General Assembly in 2007 (Eide 2006: 211). In 2000 the WGIP was superseded through the establishment of the UN's Permanent Forum on Indigenous Issues (UNPFII) based at the UN headquarters in New York (Lile 2006: 15-16, 21). Through the UNPFII the indigenous peoples of the world achieved a new level of recognition as entities of the intersocietal, by providing them with direct representatives at the UN, selected by regional indigenous organisations (Lile 2006: 23-24). The Sámi Council⁵ and the Inuit Circumpolar Council take turns in representing the Arctic at the UNPFII (Plaut 2012: 194). Sámi representative Ole Henrik Magga served as the UNPFII's first Chairperson (Jull 2003: 27). The UNPFII is more inclusive than the WCIP in its definition of indigenous peoples, emphasising the deriving of subsistence directly from nature as the defining criteria of indigeneity and includes peoples from Africa and Asia (Eide 2007: 186-188). The WCIP dissolved in 1996, both because of internal divisions and because the WGIP was performing its functions more effectively (Kemner 2011).

The achievements of the global indigenous movement are a small but significant step in broadening the ontological horizon of the intersocietal away from a system where only states are recognised as constituent members. Indigenous peoples have now achieved a level of recognition as societies of the intersocietal through the UNPFII, the UNDRIP and ILO-169, which specifically represent indigenous peoples at the intersocietal level or endow them with rights as societies.

⁵ The Nordic Sámi Council dropped 'Nordic' from its title in 1992 when representatives of Russia's Sámi were included after the fall of the Soviet Union (Heininen 2002: 227).

Indigenous and tribal peoples are also offered some protection from Article 27 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees minorities rights to enjoy their own culture (ICCPR: Article 27; Eide 2006: 163), and from International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 5 of which is now interpreted to include indigenous people's rights to their communal lands and resources (ICERD: Article 5; Ravna 2014: 306). Recognition of the Sámi as an indigenous people has increased their standing as a recognised society of the intersocietal, with increased legitimacy and leverage in relation to the Nordic states. As the Nordic states have all ratified the ICCPR, ICERD and UNDRIP, under-fulfilment of rights the Sámi should be entitled to through them remains a constant source of embarrassment. In following sections we will see how such 'politics of embarrassment' played out in the state-Sámi confrontation of the *Alta* conflict and its aftermath.

3.4 The *Alta* conflict

The Norwegian Water Resource and Energy Directorate (NVE) had its eyes on the Alta-Guovdageaidnu watercourse already in the mid-1950s when it drew up plans for huge reservoirs that would flood large portions of the tundra. This plan was scaled down before the NVE applied for approval, which was granted in 1969 (Somby 1999: 57; Dalland 1983: 194). As the plan would entirely flood the Sámi village of Máze, its residents were naturally the strongest opponents of the plan. When a parliamentary committee visited Máze to present the plans they were greeted by a mass protest consisting of practically its entire 400 strong population, which succeeded in persuading the Norwegian parliament to declare Máze a cultural heritage area in 1973 and demand revision of the project excluding Máze (Dalland 1983: 194; Somby 1999: 58). The next plan tabled by the NVE in 1974 would have positioned the dam further upstream, transforming lakes Joatkajávrrit, Virdnejávri and lešjávri into reservoirs, elevating them two to six meters, which would have flooded large areas of land on the flat tundra (Lund 1976; Charta 79 1982: 36; NVE 1974: 78). This plan posed an even bigger threat to Guovdageaidnu region reindeer pastoralism than the 1969 plan. To understand why, it is necessary to provide some context.

The Guovdageaidnu reindeer pastoral systems is divided into three pastoral ranges consisting of herding bands that share migration routes, running in north-south direction, called *oearjebealli* (westernmost) *gouvdajohtolat* (central) and *nuortabealli* (easternmost) (Sara 2001: 306; Paine 1994: 17; 2009: 10-13). *Nuortabealli's* migration routes pass between lake Virdnejávri which is really a widening in of the Alta-Guovdageaidnu watercourse and lake lešjávri which is the starting point of

lešjohka watercourse, with lakes Joatkajávrrit in between them. The natural funnel formed by Alta-Guovdageaidnu and lešjohka watercourses is the narrowest point on *nuortabealli's* migration routes, through which all herding bands have to pass (Paine 1982: 20). Elevating the lakes would naturally make it dramatically narrower. NVE's 1974 plan also threatened the very existence of Deatnu River which forms the border between Norway and Finland, and its salmon stock, on which as several Sámi villages along it depend, including Deatnu Village (Norway) and Ohcejohkka (Finland), as the plan would have diverted lešjohka and lešjávri, the biggest lake feeding River Deatnu, into the Alta-Guovdageaidnu watercourse (Nyyssönen 2007: 315-316; Lund 1976; NVE 1974: 78). The 1974 iteration of the Alta-Guovdageaidnu watercourse hydropower plan was thus the biggest threat the Sámi people had faced from a single industrial developmental project. The plan was rejected by the parliament, and a scaled down plan omitting lešjávri-lešjohka and Joatkajávrrit was approved by parliament in 1978 (Charta 79 1982: 36; Paine 1982: 3-4; 1985: 192).

From the above is clear that the Sámi were completely exterior to the totality of NVE. The Sámi's existence and material needs did not inhibit it in any way. To the NVE the natural beings (*entia*) of the tundra and watercourses of Finnmark County were simply state lands and waters, that it as an organ of the state could reconstitute as mediations to fulfil its *proyecto*. If it was up to NVE, they could have drowned Máze, endangered *nuortabealli's* migration routes, dried out Deatnu and exterminated its salmon stock. Its only constraint was the Norwegian parliament, and even that may not have been an effective constraint once the project was approved, as NVE had a history of expanding existing projects without due parliamentary oversight (Gotaas 1964: 13-23). That the turbines that were eventually installed have larger capacity than the dam can accommodate support the widespread suspicions held amongst opponents of the dam, that the official project was a front for the actual, much larger project that would be implemented after the initial concession had been granted (Charta 1979: 64-65).

Intersocietal political developments in the 1970s enabled the *Alta* conflict to have a transformatory impact on Norwegian state-Sámi relations. As we saw above, the Sámi were gaining intersocietal recognition as an indigenous people through their involvement with the WCIP, while the Norwegian government, which had long profiled itself as a champion of human right on the global stage, was also trying to take the lead in advocating indigenous peoples' rights at the UN (Minde 2003: 87-89). This made the Norwegian government vulnerable to the 'politics of embarrassment' as the *Alta* conflict clearly demonstrated that the Norwegian government was not practicing what it was preaching (Minde 2003: 89; Josefsen 2011: 36). The intersocietal dimension

came into play once the conflict was well under way and the applicability of indigenous status to the Sámi clearly caught the Norwegian government by surprise (Minde 2003: 87).

The Alta conflict erupted in full force in 1978 after parliament authorised the scaled down project. Initially it was primarily Norwegian environmentalists and local residents who took direct action against it by forming the critical community of the Popular Action Group (PAG), which established a camp to block the planned access road at Stilla (Paine 1985: 192; Somby 1999: 58). A group amongst the few Sámi PAG members wanted to change the prevalent public perception of the standoff as an intra-Norwegian conflict over a river to one that included transgressions against Sámi rights. To this end they formed the Sámi Action Group (SAG), consisting of seven young Sámi activists (Paine 1985: 192-193). Claiming to represent only themselves the SAG travelled to Oslo, erected a *lavvu*⁶ outside the Parliament and made an interpellation in the form of a written ultimatum to the government: they would go on hunger strike unless authorisation for the Alta dam was rescinded (Paine 1985: 195; Somby 1999: 58). Without going into detail on the back and forth between the SAG, the police, the cabinet and the large crowds of sympathisers the SAG drew, it can be said that Prime Minister Nordli gave in to their ultimatum after a week of hunger strikes, ordering the project on hold while ‘the Sámi’s legitimate rights’ were considered’ (Minde 2003: 91). During the standoff the WCIP and IWIGA issued a joint public statement addressed directly to Prime Minister Nordli urging him to recognise the Sámi’s land rights (Paine 1985: 195-196). As the standoff between SAG and the government became a big media spectacle, the SAG succeeded in its ambition of broadening the public perception to make Sámi land and water rights central to the *Alta* conflict (Paine 1985: 200).

Nothing had ever succeeded in getting Sámi demands heard by the dominant totalities of the Nordic states or majority societies like SAG’s actions. The *Norgga Sámiid Riikasearvi* (Norwegian Sámi Association, NSR) and National Association of Norwegian Reindeer Herding Sámi, (NRL), which had been relative bystanders in the conflict, to their surprise found themselves being consulted for advice by the government (Minde 2003: 91). However, the consultations turned out to be rather disingenuous. Having appointed a Sámi Rights Committee in 1980, the government deemed that it had done enough to consider ‘the Sámi’s legitimate rights’ and authorised the project anew in 1981 (Paine 1985: 206). In response the PAG quickly re-established the camp at Stilla (ibid: 206). The alliance between SAG and the PAG helped draw Sámi participation to the Stilla camp; many Sámi had been reluctant to join forces with Norwegians after decades of stigmatising Norwegification (ibid: 210-212). When 600 police officers (10 percent of the Norwegian police force) arrived to clear

⁶ A Sámi style tent, smaller than a *goahti*

the camp in January 1981, about 150 of the 800 demonstrators arrested were Sámi (ibid: 213-214). SAG members again erected a *lavvu* outside the parliament and began another round of hunger strikes, demanding the construction works to be halted (Charta 79 1982: 38). When Gro Harlem Brundtland was appointed Prime Minister, 14 Sámi women from Máze, mostly relatives of the hunger strikers, occupied the prime ministerial office, only to be removed by the police after a brief exchange with Brundtland (ibid: 39). The hunger strike was called off after one futile month (ibid: 39). In a final desperate act two Sámi activists made an unsuccessful attempt to blow up a bridge on the access road, one of them- a SAG member -was seriously injured (ibid: 43).

While the dam was being built a case questioning its legality was still pending at the Supreme Court. A group of Sámi reindeer herders had sued the Norwegian government, invoking Article 27 of the ICCPR, arguing that the Norwegian government was denying them the right to practise their minority culture by destroying its material preconditions (Paine 1982: 98). In the court proceedings the herders enlisted three anthropologists to help articulate their point of view, the Norwegians Ivar Bjørklund and Terje Brantenberg and the Briton Robert Paine.

Bjørklund and Brantenberg's written evidence mirrored Dussel's understanding on how different totalities can ontologically constitute the same beings (*entia*) in different ways, as they demonstrated the discrepancy between the Norwegian view of reindeer pastoralism expressed by the NVE's damage estimate and the Sámi perspective on reindeer pastoralism (Bjørklund & Brantenberg 1981: 30-36). According to Bjørklund and Brantenberg the Norwegian perspective sees reindeer pastoralism as a simple equation between three internally undifferentiated variables: personnel/labour, livestock and pasture (ibid: 32). The value of each of is assumed to be easily quantifiable in monetary terms making compensation for incursions a straightforward calculation (ibid: 30). The Sámi perspective on the other hand, sees reindeer pastoralism as a complex socio-ecological interrelation between animals, habitats, seasonal conditions and social relations to other herding groups (ibid: 33). No aspect of it can easily be reduced to a simple monetary calculation as the viability of the herding operation depends on the availability of all the necessary habitats during the seasonal cycles, especially the rarer ones like spring pastures and calving grounds which are typically found around watercourses (ibid: 33). Any disruption of the ecological balance has ripple effect as changes require adjustments in established herding patterns and access renegotiations with other herding groups, potentially leading to tensions between them (ibid: 33-36). Bjørklund and Brantenberg also stressed how integral reindeer herding was to Sámi ethnic identity and how it expressed Sámi practices of territoriality and customary rights that the Norwegian legal system was

blind to, though it had codified all manner of Norwegian customary practices into law (Bjørklund & Brantenberg 1981: Chapt. 1).

In his written evidence Paine (1982) provided an in-depth account of the *nuortabealli* pastoral nomadic system and why the hydroelectric project posed a much bigger threat to it than either the NVE or Norwegian politicians would recognise, as *nuortabealli* was not just a reindeer range but a dense social network of reindeer pastoral families to whom it was their 'primary territorial and social unit in which they live and work' (ibid: 12-13). The hydropower project would strain *nuortabealli's* social fabric by necessitating territorial access renegotiations between herding bands, as some would lose irreplaceable spring pastures calving grounds around the dammed watercourse (ibid: 17, 36). The social aspect never entered the consideration of either the NVE's or the Norwegian parliament's damage assessments, or the fact that such irreplaceable spring pasture would be lost, as they treated pasture as qualitatively undifferentiated and measured overall percentages lost, leading NVE to the conclusion that total damages would approximate the value of food to 21 reindeer for 115 days (ibid: 49). The NVE's and the parliament's assessments also failed to consider that the project would be situated in a bottle neck on the migration routes between the Alta-Guovdageaidnu and lešjohka watercourses (ibid: 20, 34). Paine also predicated that the access road, which had been omitted from damage assessments, would have a worse effect on reindeer pastoralism than the installation itself, as it would attract tourists during the autumn hunting and spring ice-fishing seasons, which would coincide with the autumn and spring herd migrations (Paine 1982: 74-81). How little this meant to the Norwegian politicians was exemplified the Finnmark County Chairman's assertion that the access road should be open to the public because the tundra is first and foremost for the recreational needs of the public (ibid: 77-78). Thus, to the Norwegian totality, not only did the majority society's industrial developmental interests take precedence over Sámi *poietic* practices, but the interest of Norwegian tourists also took precedence over them. The Sámi were indeed exterior to it.

Despite Bjørklund, Brantenberg and Paine's evidence, the Sámi herders still lost the case. The Supreme Court denied that the Sámi were an indigenous people. It recognised that the Sámi were a minority protected under Article 27 of the ICCPR, but maintained that the damage to reindeer pastoralism would not be severe enough to be in violation of it (52 Rt. 1982 s. 241).

From the above we can see that the Norwegian totality constituted the natural beings (*entia*) of the tundra and the watercourses through an urban *proyecto* as the mediations of hydropower and recreational areas, which were both declared to take precedence over Sámi *poietic* practices. The exteriority of the Sámi in relation to the Norwegian totality manifested itself in a complete lack of

understanding of Sámi *poietic* and territorial practices. The eventual outcome of the *Alta* struggle was that the project stayed in its scaled back form. The Sámi's worst fears of the NVE pushing ahead with unauthorised expansions were never realised, much due to the publicity created by the protests. My informant, nuortabealli herder Nils Henrik Sara, has confirmed that the long term effects of the installation have been quite manageable, while the access road has indeed had the most damaging effect, with a mushrooming of tourist cabins and caravans along it (Sara 2016). The ices on the river have also become more brittle resulting in increased reindeer losses, but not in disastrous amounts (ibid).

The Alta hydropower project was clearly a violation of the universal material-ethical principle, as it impeded the Sámi's autonomous material self-reproduction. It was also in violation of the universal validity criterion as the Sámi had never been consulted before the project was initially approved in 1969. In relation to the critical validity principle a differentiation should be made between the NVE and the Norwegian parliament and cabinet. The only restraint the NVE showed was that it did not expand the project illegally. In all other regards it ignored the interpellations of the Sámi and Norwegian critical communities, failing to fulfil the critical validity criterion. The Norwegian parliament did respond to the interpellation of the Máze residents by excluding it from the project plan. The cabinet responded to the interpellation of the critical community of the SAG after a week of hunger strikes. But the dialogue that the cabinet initiated with the critical communities of the SAG, NRL and NSR was not conducted in good faith as the project was authorised again when the Sámi Rights Commission that had been appointed to investigate Sámi rights in the context of the *Alta* conflict had only begun its work. The Norwegian cabinet and parliament did therefore not fulfil the critical validity criterion in relation to the *Alta* conflict. The Sámi interpellation first made during the *Alta* conflict has however continued to be heard after the conflict ended, and the Norwegian state has taken steps to enact liberating transformations of state-Sámi relations.

4. Post-*Alta* developments in state-Sámi relations

In hindsight the *Alta* struggle became a breakthrough in gaining recognition for Sámi rights. That the *Alta* conflict produced such a different outcome to prior hydropower incursions was mainly due to the direct and intense nature of the resistance and the presence of the intersocietal dimension which enabled the Sámi to appeal to a set of principles the totality of the Norwegian state claimed to endorse. The centrality of the intersocietal dimension to the process is evident in that it was the Norwegian Foreign Office that led the way in changing state-Sámi relations (Minde 2003: 91). The

Foreign Office was alarmed by the damage international media attention to the *Alta* conflict was doing to Norway's reputation as a world leading human rights advocate (ibid: 91). Many NGOs in addition to the WCIP and IWIGA had protested against the government's actions both publicly and through diplomatic channels, and Norway appeared as a county of concern to the UN Human Rights Committee for the first time in 1982-83 (ibid: 95). To counter this trend the Norwegian Foreign Office started inviting Sámi organisations to contribute to work on international indigenous rights and Norway became one of the strongest advocates for the creation of the WGIP and the replacement of ILO 107 with ILO 169, which Norway was the first state to ratify (Minde 2003: 93-96; Smith 2011: 24).

The Sámi Rights Committee that was appointed at the height of the *Alta* conflict was given a strong mandate to investigate Sámi land and water rights in large part to repair Norway's international reputation (Broderstad 2011: 899-900; Josefsen 2011: 37). In its initial 1984 report the Committee concluded that as an indigenous people the Sámi had rights to land, water and resources therein under Article 27 of the ICCPR (Smith 2011: 23). On the Committee's recommendations a Sámi Act was passed by parliament in 1987, a constitutional amendment including a Sámi rights article was enacted in 1988 and a Sámi representative assembly, the Norwegian *Sámediggi* was established in Karasjok in 1989 (Smith 2011: 24; Ravna 2014: 299-300; Oskal 2002: 13). Though the *Sámediggi* was established as a strictly advisory body, its status has gradually grown, much thanks to the leadership of the *Sámediggi's* first president *Ole* Henrik Magga, aforementioned as the first UNPFII chairman (Josefsen, Saglie & Mörkenstam 2015: 38-40; Lehtola 2004: 80).

The aftermath of the *Alta* conflict is still unfolding, with the Sámi Rights Committee and various sub-committees carrying on their work to the present day (Ravna 2011: 424; 2013: 445; 2014: 301-302; 2015: 176-177). The intersocietal dimension is very strongly present in this liberating transformation of Norwegian state-Sámi relations. Since Norway ratified ILO-169 one of the core objectives of these commissions has been to harmonise Norway's laws with its requirements, particularly with Article 14 which guarantees indigenous peoples ownership over lands they traditionally occupy (Smith 2011: 26; Ravna 2011: 424; 2013: 445; 2014: 301-302; 2015: 176-177). The most important outcome of this process is the Finnmark Act, passed into law in 2005 after extensive consultations between the Norwegian parliament and the *Sámediggi* (Smith 2011: 27; Josefsen 2011: 37). The Act is meant to make Norway compliant with ILO-169 by restoring Sámi ownership over their customary lands in Finnmark County. It initially transferred ownership of all state lands of Finnmark County to the newly established Finnmark Estate (FEFO), run by a six member board consisting of three representatives from local municipalities and three from the

Sámediggi (Josefsen 2011: 38). FEFO is custodian of the lands while a commission is establishing the precise nature of customary ownership (Ravna 2011: 441). While the Finnmark Act has yet made little practical difference to the Sámi pastoralists as the lands remain under FEFO stewardship (Sara 2016), the intent of the Act, and hopefully its eventual outcome once the land ownership transfer is completed, are significant when it comes to a state's recognition of an indigenous people's up to now exterior practices of territoriality and *poietic* resource management.

Assessed in relation to the critical validity criterion, in the aftermath of the *Alta* conflict the totality of the Norwegian state has enacted a partially liberating transformation that has overall changed the standing of the Sámi for the better, though the process is yet to be completed. There remain many other unresolved questions regarding Sámi land and water rights in Norway. The Finnmark Act only addresses Sámi land ownership in Finnmark County, and the Norwegian state has done little to restore the small-vessel fishing right of Coastal Sámi that were undermined though the tradable quota system imposed in 1990 (Ravna 2014: 313-315; Pedersen 2012: 56) and has recently also put severe restrictions on Sámi fishing rights in River Deatnu through a bilateral treaty with Finland (Novikova 2017; Aikio 2017a).

In Finland and Sweden there have been more symbolic acts of recognition of the Sámi on terms comfortable to the dominant totalities of the states, than substantive recognition of Sámi *poietic* alterity through land and water rights. In Finland the first Sámi representative body was inaugurated 1975 in the form of the Finnish Sámi Delegation (Sillanpää 2002: 85-86; Nyyssönen 2007: 220; Seurujärvi-Kari 2014), which was nominally upgraded to the Finnish *Sámediggi* in 1995 through legislation that also recognised Sámi rights to cultural autonomy, without any substantive changes in the role of the Sámi representative assembly or any concrete recognition of Sámi land and water rights (Nyyssönen 2011: 85-87). In Sweden the inauguration of its *Sámediggi* in 1993 actually coincided with a significant encroachment on Sámi rights through the stripping of Sámi Villages of exclusive fishing and small game hunting rights on their territories (Heikki 2016; Labba 2010). Neither Finland nor Sweden has ratified ILO-169 (Lundmark 2008: 358; Lantto & Mörkenstam 2008: 39; Nyyssönen 2011: 89).

The main reason why Finland and Sweden are now lagging behind Norway in their recognition of Sámi alterity is because the Finnish and Swedish states' Sámi policies have never been as thoroughly discredited as Norway's was through the *Alta* conflict (Nyyssönen 2011: 90-91). And the main reason why *Alta* discredited Norwegian Sámi policy, while Swedish and Finnish Sámi policies survived intact despite the transgressions of Suorva, Lokka-Porttipahta and numerous other industrial intrusions, are because of their timing in relation to intersocietal developments. It cannot be discounted that

the Sámi were fortunate to have the support of such a large critical Norwegian community during the Alta conflict, but it made a decisive difference that the Sámi critical communities could make their interpellations with reference to intersocietally recognised norms for the rights of indigenous peoples. This could especially be seen in the aftermath, where one of the Norwegian state's main motivations for transforming state-Sámi relations was to repair its damaged international reputation. In the 1950s and 1960s and early-to-mid-1970 indigeneity had little meaning as a concept in international politics. During the late-1970s the global indigenous movement was successfully fighting to elevate the concept of indignity to one that carried rights, specifically to land and water, at the intersocietal level. Being part of this struggle, the Sámi succeeded in earning recognition of indigenous status for themselves, both from their indigenous peers and from their national governments. This changed the *Alta* conflict from a domestic affair to an intersocietal conflict between a state and an indigenous people of relevance to the outside world, which the Norwegian totality became acutely aware of, compelling it to enact a (partially) liberating transformation of State-Sámi relations to repair the damage to its intersocietal reputation.

Conclusion

Having argued that U&CD's introduction of the concept of the 'intersocietal' represents a welcome broadening of view to the academic discipline of IR that does not go far enough in challenging the discipline's prevalent state-centrism, the paper has suggested Dussel's PoL as alternative approach that is capable of breaking with state-centrism through the concept of exteriority, which draws attention to marginalised communities, which in the intersocietal system includes non-state societies, such as indigenous and tribal peoples, which do not enjoy the same level of recognition as states. The paper has sought to demonstrate the potential of PoL as an ethically informed approach to the intersocietal, capable of illuminating the existence and ethical needs of non-state societies, by applying it to the case of the Sámi peoples' relations to the Nordic states, in the context of conflicts over hydropower projects on Sámi usufruct lands. And how the Sámi have been able to influence intersocietal political developments, and its own standing as a society through its agency at the intersocietal level. PoL is a versatile theoretical approach that could in principle be applied to draw attention to the existence and ethical needs of any exterior marginalised society of the intersocietal.

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